

REMARKS

In response to the Office Action mailed March 31, 2004, the Applicant respectfully requests reconsideration.

By this amendment, Applicant has cancelled claims 3 and 9, amended claims 1, 2, 4, 8 and added claims 10-39.

1. Claim 1 as Amended Overcomes the Claim Objections

In response to the objections to claim 1 (page 2), Applicant has amended claim 1 by replacing "current" with --present--, and by replacing "thereacross" with --across the oscillating circuit--. In view of the foregoing, Applicant respectfully requests that the objections to claim 1 be withdrawn.

2. Claims 1-9 Patentably Distinguish Over Ekchian

Applicant notes with appreciation that claims 3-8 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Accordingly, Applicant has amended claim 1 to include all of the limitations of claim 3. Claims 2 and 4-8 each depend from claim 1 and are patentable for at least the same reasons. Accordingly, Applicant respectfully requests that the rejection of claim 2 under §102(b) as being anticipated by Ekchian be withdrawn.

3. Added Claims 10-39 Patentably Distinguish Over the Art of Record

Claim 10 patentably distinguishes over the art of record. Ekchian is directed to an automatic shelf inventory data system. (Col. 1, lines 6-8; Figs. 1 and 2).

Ekchian describes an interrogation system mounted on a cart 10 which can be wheeled down an isle in a retail store alongside a pegboard type display rack 12 bearing products which are to be inventoried. (Fig. 1; col. 3, lines 5-8). The interrogator system includes a transceiver 14 that includes a plurality of phase-locked loops (PLLs), each of which may include a phase comparator 60 and a phase compensation circuit 64 to control a voltage-controlled oscillator 68 (Figs. 5-7; col. 4, line 24 – col. 5, line 14). Ekchian shows determining the total number (T) of products on a shelf by dividing an integral of the strength of a received signal (E(x)) by a measured constant related to the signal pattern (h(x)) radiated by each product. (Col. 5, lines 59-66; Col. 6, lines 1-59; Figs. 9-13).

Although Ekchian shows determining the total number of products on a shelf, Ekchian does not teach or suggest modifying an electrical property of the oscillator 68 based on this determination.

Claim 10 patentably distinguishes over the art of record, including Ekchian, because the art of record does not teach or suggest a method of controlling an electromagnetic field generated by an oscillating circuit, the method comprising, *inter alia*, detecting whether a transponder is present in the electromagnetic field, and if the comparison indicates that a transponder is present in the electromagnetic field, *modifying an electrical property of the oscillating circuit in response to the detection*, as recited in claim 10.

In view of the foregoing, claim 10, and its dependent claims 11-24, patentably distinguish over the art of record.

For reasons that should be clear from the above discussion in relation to claim 10, claim 25 patentably distinguishes over the art of record because the art of record, including Ekchian, does not teach or suggest an apparatus for controlling an electromagnetic field generated by an oscillating circuit, comprising, *inter alia*, a circuit to modify an electrical property of the oscillating circuit in response to a comparison indicating that a transponder is present in the electromagnetic field. Claims 26-39 each depend from claim 25 and patentably distinguish over the art of record for at least the same reasons.

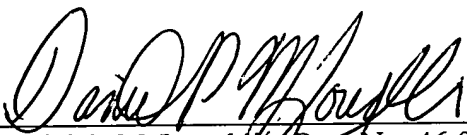
CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Luc Wuidart, Applicant

By:


Daniel P. McLoughlin, Reg. No. 46,066
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Tel. No.: (617) 646-8000
Attorney for Applicant

Docket No.: S1022.80567US00
Date: August 17, 2004
x08/31/04



1/5

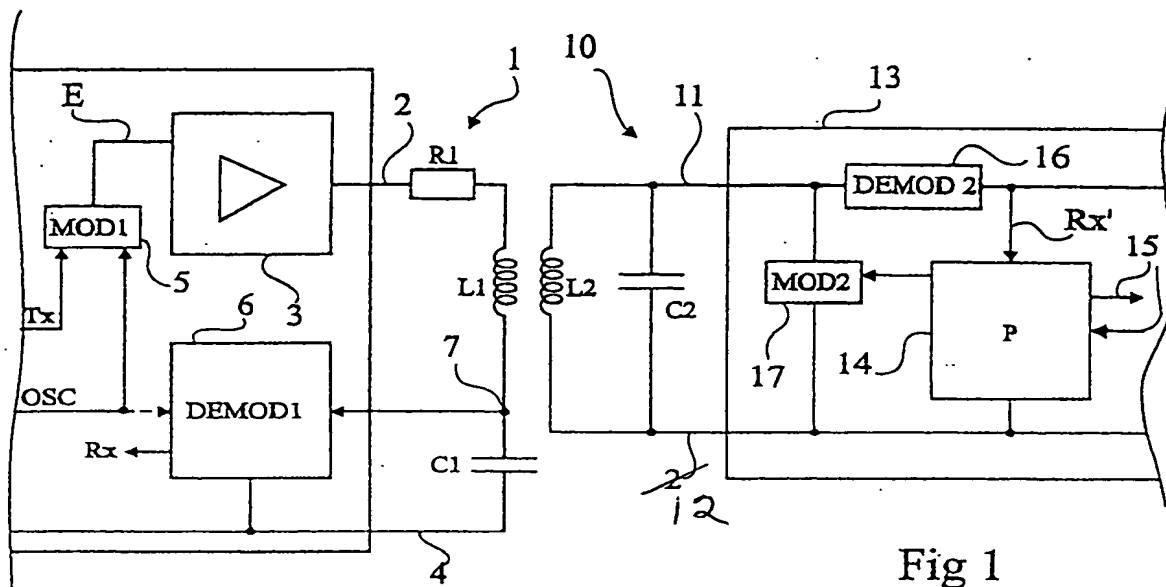
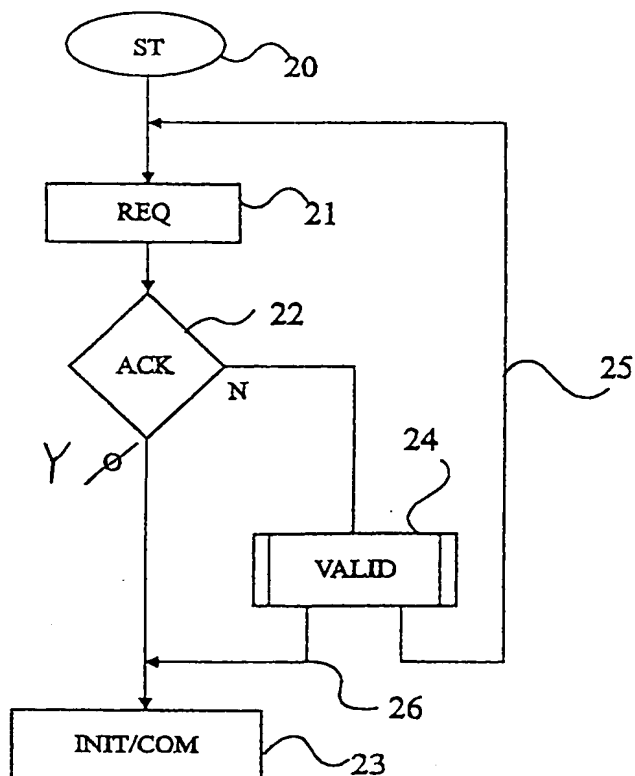


Fig 1

Fig 2



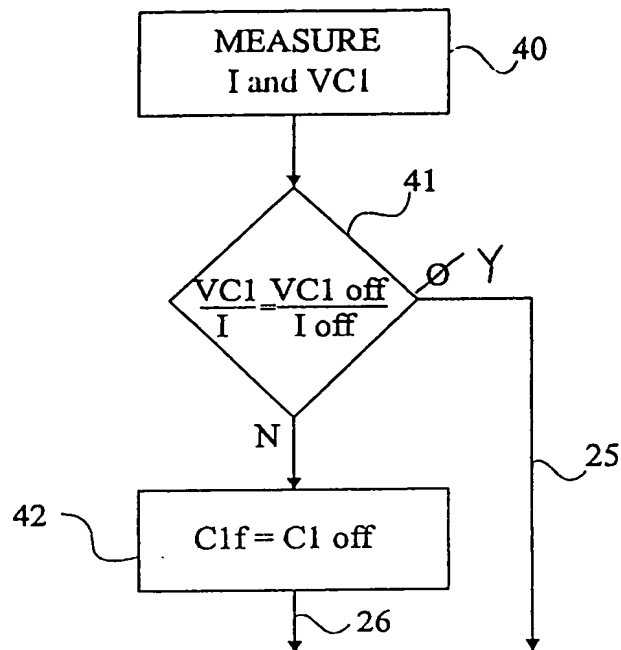


Fig 4A

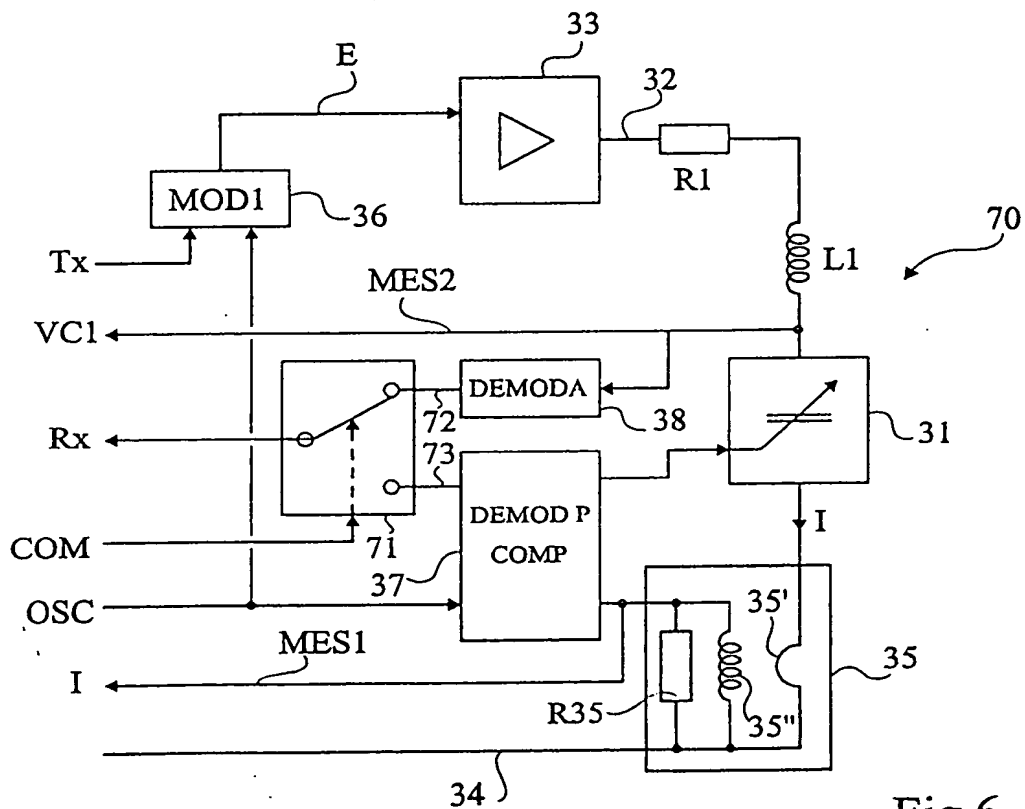


Fig 6

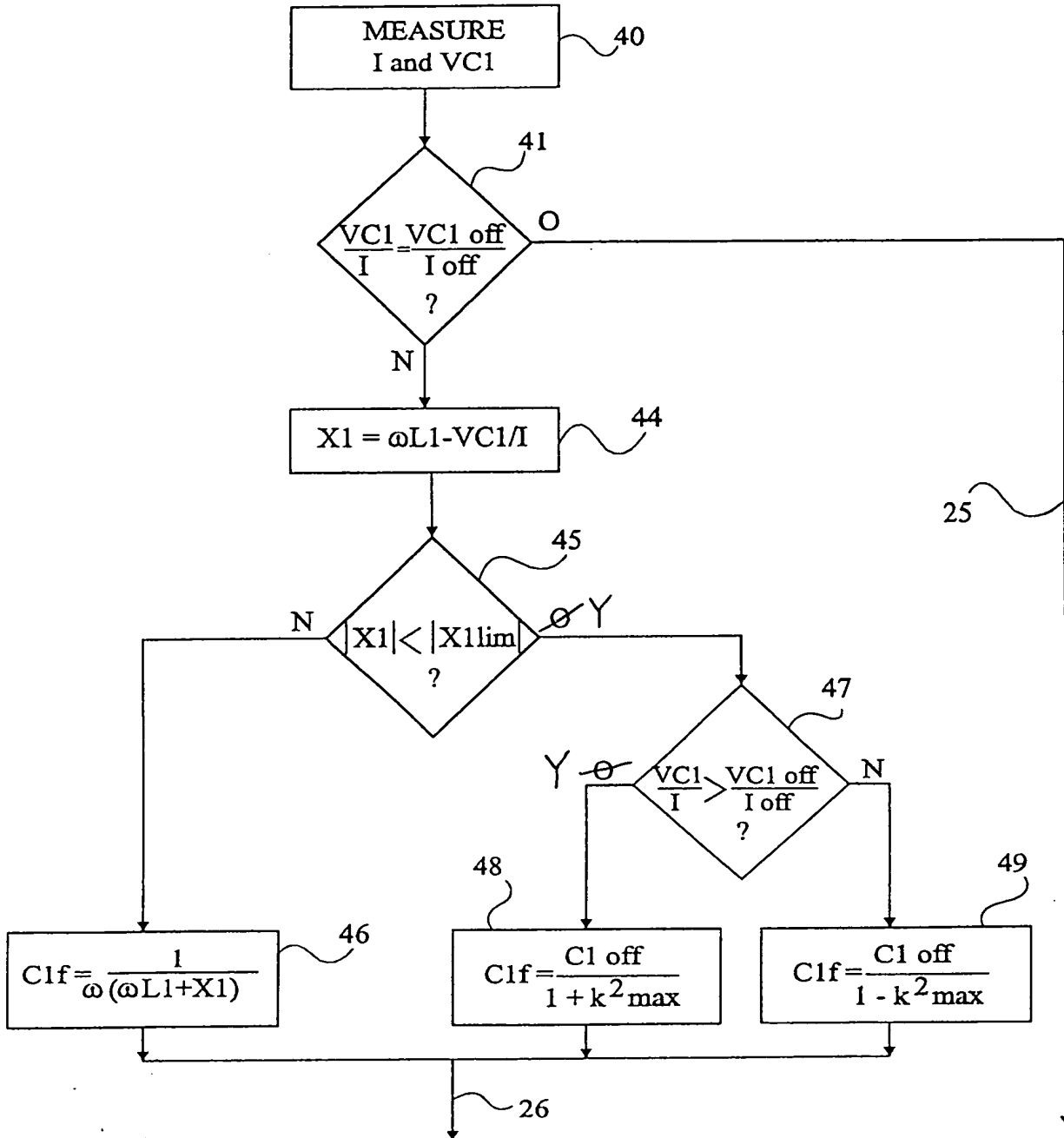


Fig 4B